

Case 4:88-cr-00035-SEN

Document 1 Filed 03/15/13

Page 1 of 25

PO 0977 Disp/Sentence
Misd. JUVENTILE ALIAS
Felony District OFF Judge/Magistr.

WRIT VS. EVANS, CREED MILTON
OFFENSE ON INDEX CARD

Closed 6-13-89

U.S. TITLE/SECTION		OFFENSES CHARGED			ORIGINAL COUNTS		DISM.
18:371,922[o]	Conspiracy to Cause Illegal Possession of Firearms						<input checked="" type="checkbox"/>
26:5861[d]	Count I						<input checked="" type="checkbox"/>
18:2,922[o]	Aid & Abet the Unlawful Possession of Firearms						<input checked="" type="checkbox"/>
26:5861[d]	Count XI Count III Count XXV					10	<input checked="" type="checkbox"/>
	Count XII Count XIX Count XXVI						<input type="checkbox"/>
	Count XIII Count XX Count XXVII						<input type="checkbox"/>
	Count XIV Count XXI Count XXVIII						<input type="checkbox"/>
	Count XV Count XXII						<input type="checkbox"/>
	Count XVI Count XXIII						<input type="checkbox"/>
	Count XVII Count XXIV						<input type="checkbox"/>
INFORMATION							<input type="checkbox"/>
18 USC §1001		False Statements					<input type="checkbox"/>

SUPERSEDED COUNTS

INTERVAL ONE		END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)			END INTERVAL TWO	
KEY DATE	<input type="checkbox"/> arrest <input type="checkbox"/> arr'n <input type="checkbox"/> custody <input type="checkbox"/> appears on complaint	KEY DATE	X Indictment filed/unsealed <input type="checkbox"/> consent to Magr. trial on complaint <input type="checkbox"/> Information <input type="checkbox"/> Felony W/waiver	KEY DATE	a <input checked="" type="checkbox"/> 1st appears on pending charge /R40 b <input type="checkbox"/> Receive file R20/21 c <input type="checkbox"/> Supadg/Ind/Jnf d <input type="checkbox"/> Order New trial e <input type="checkbox"/> Remand f <input type="checkbox"/> G/P Withdrawn	KEY DATE
EARLIEST OF		04/28/88	APPLICABLE	05/27/88		06/06/89



U.S. TREASURY DEPARTMENT
BUREAU OF ALCOHOL, TOBACCO & FIREARMS

LARRY L. NICKELL
SENIOR ATTORNEY
OFFICE OF REGIONAL COUNSEL

22 MAIN STREET, 11TH FLOOR
SAN FRANCISCO, CA 94105-1926

(415) 975-4700
FTS: 4

Show last names and suffix numbers on reverse side
#2/JOHN BURNS #3/DAN BURNS #4/MARK KRAPF

2nd Trial Began	DISPOSITION DATE	SENTENCE DATE	PTD Nolle Pros.	FINAL CHARGES DISMISSED on def or S.T. ground	on gov't motion
	06/08/89	06/13/89			
II. MAGISTRATE		INITIAL/N	NOTICE OF APPEAL 06/30/89		
ARRAINE DATE ►	Date Scheduled ►				
N DR	Date Held ►				
□ NOT WAIVED ENDING INDICTMENT		Tape Number			

CERT OF RECORD
08/21/89

ATTORNEYS
U.S. Attorney or Asst.
Carl Rostad 2-25-03 761-7715
ROBERT J. BROOKS AUSA/Butte, Mt 723-6611

Defense: 1 CJA. 2 Ret. 3 Waived. 4 Self. 5 Non / Other. 6 PD. 7 CD

MICHAEL W. COTTER
Box 3425
Great Falls, Mt 59403
761-8891

Allen Beck (2-25-03)
HC 63 Box 15
Zortman MT 59546
ph 673-3490
fx 673-3358 (call before faxing)

Archive: 021-99-0050
Box 1 of 12
Location 720373

IV. NAMES & ADDRESSES OF ATTORNEYS, SURROGATES, ETC.

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.O. NUMBER	DATE	RECEIPT NUMBER	C.O. NUMBER

XX Docket Entries Begin On Reverse Side

BAIL * RELEASE	
PRE-INDICTMENT	
Release Date	
Bail Denied	<input type="checkbox"/> Fugitive <input type="checkbox"/> Pers. Rec. <input type="checkbox"/> PSA
AMOUNT SET	\$
Date Set	
Bail Not Made	<input type="checkbox"/> 10% Dep. <input type="checkbox"/> Surety Bnd <input type="checkbox"/> Collateral <input type="checkbox"/> 3rd Ptry <input type="checkbox"/> Other
Date Bond Made	

POST-INDICTMENT	
Release Date	
Bail Denied	<input type="checkbox"/> Fugitive <input type="checkbox"/> Pers. Rec. <input type="checkbox"/> PSA
AMOUNT SET	\$ C/S
Date Set	
Bail Not Made	<input type="checkbox"/> 10% Dep. <input type="checkbox"/> Surety Bnd <input type="checkbox"/> Collateral <input type="checkbox"/> 3rd Ptry <input type="checkbox"/> Other
Date Bond Made	

APPEALS FEE PAYMENTS

(OPTIONALLY show last names of defendants)

V. PROCEEDINGS

/28/88	-	ENT REC OF GJ concurring in Blgs, Mt. Case assigned to GF Div. C/S ordered & issued. Orig sms, 1 cpy & cert cpy of indict to USM/Blgs [for ea deft]; arraignment 5/20/88 at 9:30 AM	
/28/88	1	Criminal Coversheet	
/28/88	2	INDICTMENT	
5/06/88	3	Summons rtn'd [serv. 05/03/88 on Deft. Creed Evans]	
5/11/88	4	NOTICE OF APPEARANCE-Michael Cotter enters appearance on behalf of Creed Evans w/c/m	
5/11/88	5	Deft Evans' Motion to cont arraignment set for 5/20/88 at 9:30 AM w/c/m	
5/11/88	--	LODGED proposed order re mtn #5-TO PGH	
5/11/88	6	Deft John Burns' Motion to cont arraignment set for 5/20/88 w/c/m	
5/11/88	--	LODGED proposed order re mtn #6-TO PGH	
5/12/88	7	Summons rtnd. [serv. 05/05/88 on Deft. John Burns]	
5/12/88	8	Summons rtnd. [serv. 05/05/88 on Deft. Dan Burns]	
5/12/88	9	Summons rntd. [serv. 05/05/88 on Deft. Mark Knapf]	
5/12/88	10	Deft. JOH W. BURNS' arraig. seet for 05/20/88 is VACATED & RESET for 05/27/88 @ 9:30 a.m.-cpys. AUSA/Brooks, AUSA/GF, Higgins, USPO & USM.	
5/12/88	11	Deft. Creed M. Evans' arraig. set for 05/20/88 is VACATED & RESET for 05/27/88 @ 9:30 a.m.-cpys. to AUSA/Brooks, AUSA/GF, Cotter, USPO & USM.	
5/13/88	12	Notice of Arraignment; Arraig. set for 05/20/88 is VACATED & Reset for 05/27/88 @ 9:30 a.m.-cpys. to AUSA/Brooks, AUSA/Rostad, Bauer, USPO & USM. Deft. Michael Burns	
5/18/88	13	Deft. KRAFF Mtn. to Cont. arraig. set for 05/20/88 to 05/27/88 @ 9:30 a.m.-w/c/m.	
5/18/88	14	ORDER--Arraig. set for 05/20/88 is VACATED & RESET for 05/27/88 @ 9:30 a.m.-cpys. to AUSA/Brooks, AUSA/GF, Randono, UPO & USM. <i>Deft. Knapf.</i>	
5/27/88	15	Deft Creed Evans' Motion to Dismiss indict for failure to state an offense w/c/s	5-28-88
5/27/88	16	Deft Creed Evans' Memo in sppt of mtn #15 w/c/s	5-14-89
5/27/88	17	Deft Creed Evans' Motion to Dismiss indict on the ground of unconstitutionality of statutes w/c/s	Evan
5/27/88	18	Deft Creed Evans' Memo in sppt of mtn #17 w/c/s	
5/27/88	19	Deft Creed Evans' Motion to Dismiss indict for violation of due process w/c/s	
5/27/88	20	Deft Creed Evans' Memo in sppt of mtn to dismiss indict for violation of due process w/c/s	
5/27/88	21	Deft Creed Evans' Motion for Discovery: 1/Rule 16 Evidence; 2/Exculpatory Evidence w/c/s	
5/27/88	--	ENT REC OF CRT PROCEEDINGS/ARRAIGNMENT [all defts]: Crt, AUSA/Rostad defts' ret cnsl, all defts & USPO/Pattee present. All defts ATN; all defts have cpy of indict & waive reading. All defts plead NOT GUILTY to all charges. Crt advises re possible penalties. Crt orders cnsl confer by 6/7/88 & file PT mtns by 6/13/88; charge to jury due 7/12/88; jury trial set for 7/19/88 at 9:30 AM. Deft cnsl Cotter advises that mtns have been filed this date. Crt orders all other defts' cnsl have 20 days to adopt & file their mtns; AUSA has 20 days to file response; deft cnsl have 10 days thereafter to file reply. All defts cont O/R w/o obj	
5/27/88	22	ORDER: Cnsl confer by 6/7/88. Cpus to cnsl/5 [all defts]	
5/27/88	23	NOTICE: jury instr due 7/12/88; jury trial set for 7/19/88 at 9:30 AM. Cpus to cnsl/5, USM, USPO [all defts]	
5/31/88	24	TRANSCRIPT OF PROCEEDINGS for 5/27/88 Arraignment [all defts]	

- A. Exig. for inter. c/c incm. (88 USC 4, (1)(A))
- B. NARA exc. USC 2902(1)
- C. State/Fedl proceedings on c. charges (1)(I)
- D. Interlocut. psl (1)(E)
- E. Plaintiff mo. (from filing t. hearing or to prompt disp.) (1)(F)
- F. Plaintiff fil. distinct per F 20-21 or 40 Rule 62 (1)(G)
- G. Proceeding advancement, exceed 30 d. after all new c/c submitted and has completed (1)(H)
- H. Mot. proc. arraignment, probation, n. Deportation, dism. (1)(I)
- I. Deferal of j. edition (per 2902) (1)(J)
- J. Transportation another dist. to/from exa. or hospital in 10 days c. (1)(K)
- K. Consideration of psls agree. (1)(L)
- L. Prosecutor by mutual a. (1)(M)
- M. Unlawful defendant or witness (1)(N)
- N. Period of actual income of def. to st. trial (1)(O)
- O. Period of commitment mem (1)(P)
- P. Supervision mem and/or charges (1)(Q)
- R. Def. awaiting of co-defen. no warrant been grant. (1)(R)
- T. Continuance granted per use "T" sic than one of following res. thru 14) A. support of victim (1)(S)
- T1. Failure t. would susp. proceeding result in m. of justice (1)(T)
- T2. Case uns. pslx (1)(U)
- T3. Indictm. pres. can't in 30 days (1)(V)
- T4. Commence to obtain c. to obtain reasonable pslx (1)(W)
- U. Time up guilty plea (1)(X)
- W. Grand Av. time excess over 3161

Case 4:88-cr-00035-SEH Document 1 Filed 03/15/13 Page 3 of 25

PO	<input type="checkbox"/>	Assisted 7700	W.R.L.T.	VS.	JUVENILE
Misd.	<input type="checkbox"/>	Disp./Sentence			ALIAS
Felony	<input checked="" type="checkbox"/>	District Off	Judge/Magistr.	OFFENSE ON INDEX CARD	

BURNS, JOHN WILLIAM

Closed 6-13-89

No. of

Def's

U.S. MAG.

CASE NO.

I. CHARGES	U.S. TITLE/SECTION		OFFENSES CHARGED		ORIGINAL COUNTS	
	18:371,922(o)	Conspiracy to Cause Illegal Possession of Firearms	Count I	Count X	Count XVIII	1
26:5861(d)	Count II	Count XI	Count XIX	2		
18:2,922(o)	Aid & Abet the Unlawful Possession of Firearms	Count III	Count VII	Count XX	221	
26:5861(d)	Count IV	Count XIII	Count XXI			
	Count V	Count XIV	Count XXII			
	Count VI	Count XV	Count XXXVII			
	Count VII	Count XVI				
	Count VIII	Count XVII				
18 U.S.C. 922(m)	Count IX	Count XVIII	Dismissed	2		
answering On/Off:	At 1st & II	Conspiracy	Dismissed	SUBSEDED COUNTS		
INTERVAL ONE	KEY DATE	KEY DATE	END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)	END INTERVAL TWO		
KEY DATE	<input type="checkbox"/> Arrest <input type="checkbox"/> Summons <input type="checkbox"/> Custody <input type="checkbox"/> Appears on complaint	KEY DATE	<input checked="" type="checkbox"/> Indictment filed/sealed <input type="checkbox"/> Consent to Magr. trial on complaint <input type="checkbox"/> Information <input type="checkbox"/> Felony Waiver	KEY DATE	<input checked="" type="checkbox"/> 1st appears on pending charge /R40 <input type="checkbox"/> Receive file R20/21 <input type="checkbox"/> Supdegd: <input type="checkbox"/> Indict <input type="checkbox"/> Inf <input type="checkbox"/> Order New trial <input type="checkbox"/> Remand <input type="checkbox"/> G/P Withdrawn	
EARLIEST OF	04/28/88	APPLICABLE		KEY DATE	04/06/89	
1st appears with or waives counsel	ARRAIGNMENT	1st Trial Ended	RE-TRIAL	DISPOSITION DATE	SENTENCE DATE	
				06/06/89	06/13/89	
				PTD Nolle Pros.	FINAL CHARGES DISMISSED on def motion on S.T. grounds W.P. WOP on gov't motion	

SEARCH WARRANT	ISSUED	DATE	INITIAL/NO.	III. MAGISTRATE		INITIAL/NO.	TIME/NAME
	RETURN			INITIAL APPEARANCE DATE			
SUMMONS	ISSUED			PRELIMINARY EXAMINATION	Date Scheduled		
	SERVED			OR REMOVAL HEARING	Date Held		
ARREST WARRANT ISSUED			WAIVED	NOT WAIVED	TAPE NUMBER		
COMPLAINT			INTERVENING INDICTMENT				
DATE OF ARREST	OFFENSE (In Complaint)						

arr: 5-20-88
5-27-88

PT mtgs - 6-3-88
jury instr 7-12-88
jury trial 7-19-88
C/P 6-6-89 6-89

Show last names and suffix numbers of other defendants on same indictment/information:
#1/CREED EVANS #3/DAN BURNS #4/MARK KRAFF

ATTORNEYS
U.S. Attorney or Asst.

ROBERT J. BROOKS AUSA/Butte, Mt 723-6611

Defense: 1 CJA. 2 Ret. 3 Waived. 4 Self. 5 Non / Other. 6 PD. 7 CD

MARK HIGGINS
GARY ZADICK
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William L. Burns
PETERSON, PETERSON, BURNS & SHORS, PC.
P.O. Box 10
Cut Bank, MT 59427
(406) 873-2231

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

FINE AND RESTITUTION PAYMENTS			DOCKET ENTRIES BEGIN ON REVERSE SIDE		
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

RULE 20 21 40 In Out

BAIL RELEASE

PRE-INDICTMENT

Release Date	
Bail Denied	<input type="checkbox"/> Fugitive
AMOUNT SET	
\$ C/S	<input type="checkbox"/> Pers. Rec.
Conditions	<input type="checkbox"/> PSA
Date Set	<input type="checkbox"/> 10% Dep.
	<input type="checkbox"/> Surety Bnd
	<input type="checkbox"/> Collateral
	<input type="checkbox"/> 3rd Ptry
	<input type="checkbox"/> Other

POST-INDICTMENT

Release Date	
Bail Denied	<input type="checkbox"/> Fugitive
AMOUNT SET	
\$	<input type="checkbox"/> Pers. Rec.
Conditions	<input type="checkbox"/> PSA
Date Set	<input type="checkbox"/> 10% Dep.
	<input type="checkbox"/> Surety Bnd
	<input type="checkbox"/> Collateral
	<input type="checkbox"/> 3rd Ptry
	<input type="checkbox"/> Other

APPEALS FEE PAYMENTS

Vr.

Docket No.

Def.

88-00035

Case 4:88-cr-00035-SEH Document 1 Filed 03/15/13

MASTER DOCKET - MULTIPLE DEFENDANT CASE
PROCEEDINGS DOCKET FOR SINGLE DEFENDANT

PAGE 1 OF 1

VI EXCLUDABLE DELAY

Start Date

End Date

Def. Code

Total Days

LETTER CODES

For identifying periods excluded:
Excluded per 18 USC 3161 [in brackets]

A. Exam or hearing
for mental/physical incapacity
18 USC 4244
[18 U.S.C. 4244]

B. NARA exam [18 USC 2902] (1)(B)

C. State/Fed/J pro
ceedings on other
charges [(1)(D)]

D. Interlocutory ap
peal [(1)(E)]

E. Prelim motion
(from filing to
hearing or to other
prompt disposition)
[(1)(F)]

F. Transfer from other
district per FRCrP
20.24 or 4B or Mag.
Rule Ra [(1)(G)]

G. Proceedings under
adjudication, not to
exceed 30 days,
after all necessary
submissions
(filing and hearings
completed) [(1)(H)]

H. Misc. proceedings;
arrangement, parole/
probation, revocation,
Deportation, extra
slate [(1)]

I. Deferral of pros
ecution (per 28 USC
2902) (1)(C)

J. Transportation from
another district or
uniform examination
or hospitalization
in 10 days or less
[(1)(H)]

K. Consideration by
Court of proposed
plea agreement [(1)(I)]

L. Prosecution deferred
by mutual agreement
[(2)]

M. Unavailability of de
fendant or essential
witness [(1)(A,B)]

N. Period of mental/phy
sical incompetence
of def. to stand
trial [(4)]

O. Period of NARA
commitment/trait
ment [(5)]

P. Superceding indict
ment and/or new
charges [(6)]

R. Def. asserting right
of co-defendant &
no severance has
been granted [(7)]

T. Continuance
granted per 18 USC
use "T" alone if more
than one of the fol
lowing reasons [(1)
thru (4)] is given in
support of continuance
[(8)(A,B)]

T1. Failure to continue
would stop further
proceedings or
result in miscarriage
of justice [(8)(B,III)]

T2. Case unusual or com
plex [(8)(B,II)]

T3. Indictment following
first can't be filed
in 30 days [(8)(B,IV)]

T4. Continuance granted
to obtain or sub
stitute counsel, or give
reasonable time to
prepare [(8)(B,IV)]

U. Time up to withdrawal
guilty plea, 3161(f)

W. Grand jury indictment
time extended 30 more
days, 3161(f)

(OPTIONAL) Show last names of defendants

V. PROCEEDINGS

DOCKETING ON CR-88-35-GF-PGH #1

PO	<input type="checkbox"/>	09771	4	Assigned 7708
Misd.	<input checked="" type="checkbox"/>			WRIT VS. BURNS, DAN MICHAEL
Felony <input checked="" type="checkbox"/>	District Off	Judge/Magistr.		OFFENSE ON INDEX CARD



(LAST, FIRST, MIDDLE)
VS.
BURNS, DAN MICHAEL

Case 4:88-cr-00035-SEH Document 1 Filed 03/15/13 Page 5 of 25

Mo. Day Yr.
01 28 88
No. of
4 Daff U.S. MAG.
CASE NO. 88-00035-03

U.S. TITLE/SECTION		OFFENSES CHARGED		ORIGINAL COUNTS		DISM.
18:371,922 [o]	Conspiracy to Cause Illegal Possession of Firearms			2		ING
26:5861 [d]	Count I, Count XXXVII					
18:2,922 [o]	Aid & Abet the Unlawful Possession of Firearms			23		
26:5861 [d]	Count II Count X Count XVIII					
	Count III Count XI Count XIX					
	Count IV Count XII Count XX					
	Count V Count XIII Count XXI					
	Count VI Count XIV Count XXII					
	Count VII Count XV Count XXXV					
	Count VIII Count VI Count XXXVI					
	Count IX Count VII					
18:922 [m]	Conspiracy to Cause Illegal Poss of Firearms	Cnts 1	SUPERSEDING COUNTS			X

I. CHARGES		INTERVAL ONE		END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)		END INTERVAL TWO		
KEY DATE		<input type="checkbox"/> arrest <input type="checkbox"/> sum'n's <input type="checkbox"/> custody <input type="checkbox"/> appears on complaint	KEY DATE ► 04/28/88	<input checked="" type="checkbox"/> Indictment <input type="checkbox"/> filed/unsealed <input type="checkbox"/> consent to Magr. <input type="checkbox"/> trial on complaint <input type="checkbox"/> Information <input type="checkbox"/> Felony/W/ waiver	KEY DATE 05/27/88	a) <input checked="" type="checkbox"/> 1st appears on pending charge /R4D b) <input type="checkbox"/> Receive file R20/21 c) <input type="checkbox"/> Supsdg: <input type="checkbox"/> Indt. <input type="checkbox"/> Inf d) <input type="checkbox"/> Order New trial e) <input type="checkbox"/> Remand <input type="checkbox"/> 1G/P Withdrawn	<i>Super dash</i> KEY DATE ► 12-20-88	<input type="checkbox"/> Dismissal <input type="checkbox"/> Plea <input type="checkbox"/> Guilty <input type="checkbox"/> After N.G. <input checked="" type="checkbox"/> Nolo <input type="checkbox"/> After nolo <input type="checkbox"/> Trial (voir dire) began <input type="checkbox"/> Jury <input type="checkbox"/> N.J.
EARLIEST OF		APPLICABLE	RE-TRIAL	2nd Trial Began	DISPOSITION DATE 12-20-88	SENTENCE DATE 12-27-88	PTD Nolle Pros.	
1st appears with or waives counsel	ARRAIGNMENT	1st Trial Ended					FINAL CHARGES DISMISSED on def. grounds on S.T. grounds W.P. WOP	

II. KEY DATE						III. MAGISTRATE	
Search Warrant	Issued	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE ►		INITIAL/NO.	OUTCOME:
	Return						<input type="checkbox"/> DISMISSED <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Summons	Issued			PRELIMINARY EXAMINATION OR <input type="checkbox"/> REMOVAL <input type="checkbox"/> HEARING	Date Scheduled ►		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
	Served			<input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED <input type="checkbox"/> INTERVENING INDICTMENT	Date Held ►		
Arrest Warrant Issued							
COMPLAINT ►							
Date of Arrest	OFFENSE (In Complaint)						

Show last names and suffix numbers of other defendants on same indictment/information:
#1/CREED EVANS #2/JOHN BURNS #4/MARK KRAPF

RULE *
20 21 40 In Out

BAIL * RELEASE

PRE - INDICTMENT

Release Date

Bail Denied
 Fugitive

Pers. Rec.

PSA

Conditions

Date Set

10% Dep.

Surety Bnd

Collateral

3rd Ptry

Other

POST - INDICTMENT

Release Date

Bail Denied
 Fugitive

Pers. Rec.

PSA

C/S

Conditions

10% Dep.

Surety Bnd

Collateral

3rd Ptry

Other

APPEALS FEE PAYMENTS

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

ROBERT J. BROOKS AUSA/Butte, Mt 723-6611

Defense: 1 CJA. 2 Ret. 3 Waived. 4 Self. 5 Non / Other. 6 PD. 7 CD

Mark Bauer
P.O. Box 1423
Great Falls, MT 59403
(406) 727-0800

FINE AND RESTITUTION PAYMENTS

Docket Entries Begin On Reverse Side

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER
12-20-88	16421	\$200.00 Fine			
		#50.00 O/V			

DATE
DOCUMENT NO.Yr.
88-00035Docket No.
4

Def.

MASTER DOCKET - MULTIPLE DEFENDANT CASE
PROCEEDINGS DOCKETED FOR SINGLE DEFENDANT

PAGE

OF

VI EXCLUDABLE DELAY

Begin Date

End Date

Ltr. C
CodeTotal
Days

(OPTIONAL) Show last names of defendants

V. PROCEEDINGS

ALL DOCKETING DONE IN CR-88-35-GF-PGH #1

EXCLUDABLE DELAY
For identifying periods of excludable delay under 18 USC 3161 (in IS in brackets)A. Exam or hear
for mentally
incapacitated
(18 USC 4241
(A))B. NARA exam
(USC 2903) (I)C. State/Fed. I
charge on or
before (I)(II) (I)D. Interlocutory
pend (I)(II)(I)E. Trial mot
from filing to
hearing or to
present dispo
(I)(II)(I)F. Transfer from
district per F.R.
20.21 or 40 c
Rule 8a (I)(II)G. Proceedings
adjourned, if
exceed 30 days
after all necessary
submissions
filed and hearing
concluded (I)H. Misc proce
arrangement,
probation, re
Deportation, disbr (I)(II)I. Deferral of p
cation (per 2
2903) (I)(II)(C)J. Transportation
another dist
or from extar
or hospitaliz
in 10 days or
(I)(II)(H)K. Consideratio
Court of appe
agreement
(I)(II)L. Prosecutor
by mutual a
(I)(II)M. Unavailability
defendant or a
witness (I)(II)N. Period of r
trial exceeding
of def. to st
trial (I)(II)O. Period of 1
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ment (I)(II)P. Superceding
indictment and/or
charges (I)(II)R. Def aware
of condition
no severance
been grantT. Continual
granted per
use "T" all
than one a
towing rear
shut (T) is
support of
conviction (I)(II)T1. Future i
would stop
proceeding
result in m
of justice (I)T2. Case am
plex (I)(II)(I)T3. Indictm
arrest can't
in 30 daysT4. Contin
in obtain
use coun
reasonable
prepare (I)U. Time up
guilty pleaW. Grand J
time exten
day. (I)(II)

PO 0977 Assigned
 Misd. Dip/Sentence
 Felony District Off Judge/Magistr

WRIT
VS.
JUVENILE
ALIAS
OFFENSE ON INDEX CARD

KODAK, MARK JOHN

7/15/88
No. of
4
Deft. U.S. MAG.
CASE NO.

Page 7 of 25

88-00035-04

U.S. TITLE/SECTION

OFFENSES CHARGED

ORIGINAL COUNTS

DISM.

INC.

X

X

X

X

X

X

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AT NO.

Docket No

Def.

MASTER DOCKET - MULTIPLE DEFENDANT CASE
PROCEEDINGS DOCKET FOR SINGLE DEFENDANT

PAGE 1 OF 1

VI EXCLUDABLE DELAY

EXCUSE FROM End Date	CW Code	Total Days

LETTER CODES
 For identifying periods of excludable delay per '18 USC 3161 (h) [Sections in brackets]

A Exam or hearing for mental/physical incapacity [18 USC 4244] [(i)(A)]

B NARA exam [16 USC 2902] [(i)(B)]

C State/Fed/proceedings on other charges [(i)(D)]

D Interlocutory appeal [(i)(E)]

E Preliminary motion (from filing to hearing or to other prompt disposition) [(i)(F)]

F Transfer from other district per FRCR 20.21 or 40 or Mag. Rule 6a [(i)(G)]

G Proceedings under advisement, not to exceed 30 days, after all necessary submissions filed and hearing completed [(i)(H)]

H Misc. proceedings: arraignment, parole/probable revocation, Deposition, extra citation [(i)]

I Deferal of prosecution (per 28 USC 2902) [(i)(C)]

J Transportation from another district or to/from examination or hospitalization in 10 days or less [(i)(K)]

K Consideration by Court of proposed plea agreement [(i)(I)]

L Prosecution deferred by mutual agreement [(i)]

M Unavailability of defendant or essential witness [(i)(A,B)]

N Period of mental/physical incompetence of def. to stand trial [(i)]

O Period of NARA commitment/treatment [(i)]

P Superseding indictment and/or new charges [(i)]

R Def. awaiting trial of co-defendant & no severance has been granted [(i)]

T Continuance granted per (i)(8) use "T" alone if more than one of the following reasons (T1 thru T4) is given in support of continuance [(i)(A,B)]

T1 Failure to continue would stop further proceedings or result in miscarriage of justice [(i)(B,iii)]

T2 Case unusual or complex [(i)(B,ii)]

T3 Indictment following arrest can't be filed in 30 days [(i)(B,v)]

T4 Continuance granted to obtain or substitute counsel, or give reasonable time to prepare [(i)(B,vi)]

U Time up to withdrawal guilty plea, 3161(i)

V Grand Jury indictment time extended 30 more days, 3161 (b)

(OPTIONAL) Show last names of defendants

V. PROCEEDINGS

ALL DOCKETING DONE IN CR-88-35-GF #1

CONTINUED TO PAGE

AO 256A

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
6/2/88	25 <u>Deft. John Burns</u> joins in mtns file by deft Creed Miles Evans to: 1/dismis indict for failure to state an offense; 2/dismis indict for viol of due process; 3/dismis indict on basis of unconstitutionality of statutes. Deft adopts memo already on file by Deft Creed Evans w/c/m;	6-2-88	7.2	24	Eamus
6/6/88	26 Pltf's Motion for ext of 14 days to file response to mtns to dismiss of defts Creek Evans & John Burns w/c/s				
6/6/88	-- LODGED proposed order re mtn #26-T0 PGH				
6/8/88	27 ORDER: Pltf is granted to 6/20/88 to file a resp to mtns to dismiss of defts Creed Evans & John Burns. Cpus to cns1/3, AUSA/GF w/c/clk				
6/8/88	28 <u>Deft John Burns'</u> Motion for Discovery w/c/m				
6/9/88	29 <u>Deft Creed Evans'</u> obj to govt's mtn for ext of 14 days to file response to mtns to dismiss filed by defts Evans & Burns w/c/m				
6/10/88	30 <u>Deft Krapf's</u> Motion to Sever w/c/s				
6/10/88	31 <u>Deft Krapf's</u> Brief in Sppt of Mtn to Sever w/c/s				
6/10/88	32 <u>Deft Dan Burns'</u> Objection to pltf's mtn for ext of 14 days to file response to mtns to dismiss w/c/m				
6/10/88	33 <u>Deft Dan Burns'</u> joinder in mtns filed by defts Evans & John Burns to: dismiss indictment for failure to state an offense; dismiss indict for viol of due process; dismiss indict on basis of unconstitutionality of statutes w/c/m				
6/10/88	-- C/C Butte issued 4 subpoenas on behalf of USA-handed origs & 2 cpys ea to AUSA/BU				
6/13/88	34 <u>Deft John Burns'</u> PT Motions & obj to USA'S mtn for ext to file brief in oppos to defts' mtns to dismiss w/c/m				
6/15/88	35 Pltf USA'S Opposition to Motion to Sever filed by deft Krapf w/c/s attachd to doc #36				
6/15/88	36 Pltf USA'S Memo of Law re oppos to mtn to sever w/c/s - T0 PGH				
6/16/88	37 ORDER: Evid hrg & oral argmt on defts' PT mtns set for 8/11/88 at 2:00 PM in GF. Cpus to cns1/5, AUSA/GF, USM, USPO				
6/17/88	38 <u>Deft Creed Evans'</u> Motion to Suppress Evidence w/c/m				
6/17/88	39 <u>Deft Dan Burns'</u> Motion to Suppress Stmtts & Evidence w/c/s [Exh A attached]				
6/20/88	40 NOTICE: Hrg on PT mtns set for 7/11/88 at 2:00 PM. Hrg previously set for 8/11/88 is VACATED. Cpus to cns1/5, AUSA/GF, USM, USPO				
6/20/88	41 <u>Deft Evans'</u> Notice of Filing Substittue Exhibit C w/c/m [cpy of Affid of Probable Cause attached]				
6/20/88	42 Pltf USA'S Response to defts' Evans, John Burns & Dan Burns mtn to dismiss indict for unconstitutionality of statutes	w/c/s			
6/20/88	43 Pltf USA"S Response to defts Evans, John Burns & Dan Burns mtn to dismiss indict for violation of due process w/c/s				
6/21/88	44 <u>Deft John Burns'</u> Memo in sppt of PT Mtns w/c/m -T0 PGH				
6/22/88	45 <u>Deft Creed Evans'</u> Request for Bill of Particulars w/c/s				
6/22/88	46 <u>Deft Creed Evans'</u> Motion to Sever w/c/s				
6/22/88	47 <u>Deft Creed Evans'</u> Memo in sppt of mtn to suppress evidence w/c/s [Exh A-D attached]				
6/22/88	48 Pltf's Notice of Filing Exhibit A which was omitted from Pltf's resp to defts' mtn to dismiss indict for viol of due process filed 6/20/88 w/c/s [cpy of Exh A attached]				
6/22/88	49 Pltf's Response to defts' Evans, John Burns & Dan Burns mtn to dismiss indict for failure to state an offense w/c/s				

Interval
(per Section II)Start Date
End DateLtr.
CodeTotal
Days

AO 256A

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY		
		(a)	(b)	(c) (d)
	(Document No.)			
6/2/88	25 Deft John Burns joins in mtns file by deft Creed Miles Evans to: 1/ dismiss indict for failure to state an offense; 2/ dismiss indict for viol of due process; 3/ dismiss indict on basis of unconstitutionality of statutes. Deft adopts memo already on file by Deft Creed Evans w/c/m.	6/2/88	7.2	24 Burns
6/6/88	26 Pltf's Motion for ext of 14 days to file response to mtns to dismiss of defts Creek Evans & John Burns w/c/s			
6/6/88	-- LODGED proposed order re mtn #26-TG PGH			
6/8/88	27 ORDER: Pltf is granted to 6/20/88 to file a resp to mtns to dismiss of defts Creed Evans & John Burns. Cyps to cnsl/3, AUSA/GF w/c/clk			
6/8/88	28 Deft John Burns' Motion for Discovery w/c/m			
6/9/88	29 Deft Creed Evans' obj to govt's mtn for ext of 14 days to file response to mtns to dismiss filed by defts Evans & Burns w/c/m			
6/10/88	30 Deft Krapf's Motion to Sever w/c/s			
6/10/88	31 Deft Krapf's Brief in Sppt of Mtn to Sever w/c/s			
6/10/88	32 Deft Dan Burns' Objection to pltf's mtn for ext of 14 days to file response to mtns to dismiss w/c/m			
6/10/88	33 Deft Dan Burns' Joinder in mtns filed by defts Evans & John Burns to: dismiss indictment for failure to state an offense; dismiss indict for viol of due process; dismiss indict on basis of unconstitutionality of statutes w/c/m			
6/10/88	-- C/C Butte issued 4 subpoenas on behalf of USA-handed origs & 2 cyps ea to AUSA/BU			
6/13/88	34 Deft John Burns' PT Motions & obj to USA'S mtn for ext to file brief in oppos to defts' mtns to dismiss w/c/m			
6/15/88	35 Pltf USA'S Opposition to Motion to Sever filed by deft Krapf w/c/s attchd to doc #36			
6/15/88	36 Pltf USA'S Memo of Law re oppos to mtn to sever w/c/s - TO PGH			
6/16/88	37 ORDER: Evid hrg & oral argmt on defts' PT mtns set for 8/11/88 at 2:00 PM in GF. Cyps to cnsl/5, AUSA/GF, USM, USPO			
6/17/88	38 Deft Creed Evans' Motion to Suppress Evidence w/c/m			
6/17/88	39 Deft Dan Burns' Motion to Suppress Stmtts & Evidence w/c/s [Exh A attached]			
6/20/88	40 NOTICE: Hrg on PT mtns set for 7/11/88 at 2:00 PM. Hrg previously set for 8/11/88 is VACATED. Cyps to cnsl/5, AUSA/GF, USM, USPO			
6/20/88	41 Deft Evans' Notice of Filing Substittue Exhibit C w/c/m [cpy of Affid of Probable Cause attached]			
6/20/88	42 Pltf USA'S Response to defts' Evans, John Burns & Dan Burns mtn to dismiss indict for unconstitutionality of statutes w/c/s			
6/20/88	43 Pltf USA'S Response to defts Evans, John Burns & Dan Burns mtn to dismiss indict for violation of due process w/c/s			-TO PGH
6/21/88	44 Deft John Burns' Memo in sppt of PT Mtns w/c/m -TO PGH			
6/22/88	45 Deft Creed Evans' Request for Bill of Particulars w/c/s			
6/22/88	46 Deft Creed Evans' Motion to Sever w/c/s			
6/22/88	47 Deft Creed Evans' Memo in sppt of mtn to suppress evidence w/c/s [Exh A-D attached]			
6/22/88	48 Pltf's Notice of Filing Exhibit A which was omitted from Pltf's resp to defts' mtn to dismiss indict for viol of due process filed 6/20/88 w/c/s [cpy of Exh A attached]			
6/22/88	49 Pltf's Response to defts' Evans, John Burns & Dan Burns mtn to dismiss indict for failure to state an offense w/c/s			

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
6/22/88	-- C/C Butte issued 2 subpoenas-handed origs & 2 cpys ea to AUSA/BU				
6/23/88	-- C/C Butte issued 34 subpoenas-handed origs & 2 cpys ea to AUSA/BU				
/24/88	-- C/C Butte issued 24 subpoenas-handed origs & 2 cpys ea to AUSA/BU				
/27/88	50 USA'S Motion for ext of time, 2 days, to file response to deft Creed Evans' mtn for disc w/c/m				
/27/88	-- LODGED proposed order re mtn #50-TO PGH				
6/29/88	51 ORDER: Pltf is granted to 6/29/88 to file resp to deft Creed Evans' Mtn for Discovery. Cpys to cnsl/2, AUSA/GF				
6/29/88	52 Notice of Filing-Exh. A which was inadvertently omitted from Gvnt.'s Response to Deft.'s Mtn. to Dismiss Indct.				
6/30/88	53 Memo. of <u>Deft., Dan Michael Burns, In Support of Mtn. to Suppress Evidence-w/c/s.</u>				
6/30/88	54 USA's Opposition to Mtn.s to Suppress				
6/30/88	55 Memo. In Opposition to Mtns. to Suppress-w/c/m.				
6/30/88	-- Iss'd 1 orig. Subp., handed orig. w/2 cpys. to US Atty. Butte for service.				
7/05/88	56 Subps. rtnd. (4) [serv. 06/22/88 on Wayne P. Moran] [serv 06/22/88 on Katherine Loehler sec. for Charles Lanham] [serv. 06/22/88 on Katherine Koehler sec. for Edward M. Owen, Jr.] [serv. 06/22/88 on Denise Brown NFA Specialist for Terry Cates]				
7/05/88	57 USA Opposition to Mtn. to Sever-w/c/m.				
7/05/88	58 USA Opposition to Mtn. for Bill of Particulars-w/c/m.				
7/05/88	-- Iss'd 1 orig. Subp. handed orig. w/2 cpys. to US Atty. Butte for service.				
7/05/88	59 <u>Deft. Evans' Reply to Gvnt.'s Response to Mtn. to Dismiss Indict. on the Ground of Unconstitutionality of Statutes w/c/m.</u>				
7/05/88	60 <u>Deft. Evans' Reply to Gvnt.'s Response to Mtn. to Dismiss Indict. for Failure to State and Offense-w/c/m.</u>				
7/05/88	61 <u>Deft. Evans' Reply to Gvnt.'s Response to Mtn. to Dismiss Indict. for Violation of Due Process-w/c/m.</u>				
7/05/88	62 <u>Deft. Evans' 2nd Demand for Exculpatory Evid. withheld by the Gvnt. & Addenda to Mtn. to Dismiss for Failure to State Offense & for Violation of Due Process & to Suppress-w/c/m.</u>				
07/06/88	63 Reply Memo. of <u>Deft. JOHN W. BURNS In Support of His Mtns. to Dismiss-w/c/m.</u>				
07/07/88	-- Iss'd 1 orig. subp. handed Orig. w/2 cpys to USA Butte for service				
07/11/88	-- Entered Record of Court Proceedings; PT Mtns.; [Lisa Lewis crt. rptr.] Prior to Hring. on Mtns. AUSA/Brooks moved for the admission of Larry L. Nickell as Spec. AUSA for purposes of this case only, crt. Granted. Nickell is from US Treasury Dept. BATF, San Francisco, Calif. 2:00 p.m. W/Crt. AUSA/Brooks, Nickell, Defts. cnsl. Cotter, Zadick, Bauer & Randono present & all deft.'s present. Cotters' Mtn. to admitt Stephen Hall brook for purposes of this case only, Granted by crt. Cotters'Mtn. to exclude witnesses from crtroom Granted. Julius Watchtell Special Agent US.Treasury, BATF, Helena, was S/T in USA's behalf, in re to Suppression Mtns.				

Interval
(per Section II)Start Date
End DateLtr. Total
Code Days

AO 256A

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE	
		(a)	(b)
	<u>MINUTE ENTRY CONTINUED:</u>		
	All defense cnsls. cross-exam of Watchtell. Deft. (EVANS) Exhs. A, 4 & 3 were marked offered & ad. wo/obj. Deft. (EVANS) Exhs. 1, D & 2 were marked. USA's Exh. 1 was marked. Brooks re-direct exam of Watchtell. Crt. excused Watchtell. Crt. questions respective cnsl. in re to their remaining Mtns. @ issue & their reasons for not being able to go to trial on 07/19/88 @ 9:30 a.m. Cnsl. responded. Crt. cont. this matter until 07/14/88 @ 9:00 a.m.		
07/11/88	5:20 p.m. Crt. in recess 64 Subps. rtnd. 15 by USA Serv. Sharon Bailey on 07/06/88 Serv. Randall Callison on 07/06/88 Serv. Rolando Campos on 06/30/88 Serv. Curtis Hawley on 07/06/88 Serv. Diana Offa 06/30/88 Serv. Mara Holley on 07/06/88 Serv. Virginia Leininger on 07/06/88 Serv. Patricia Meyer on 07/06/88 Serv. Steve Middlesworth on 07/05/88 Serv. Brad Nelson on 07/05/88 Serv. Albins O'Loughlin on 07/06/88 Serv. Hayes Otonpalik on 07/05/88 Serv. Rex Seeley on 07/06/88 Serv. George Waggoner on 07/05/88 Serv. Dpty. Douglas Welch on 07/05/88		
07/12/88	65 <u>Deft. Dan Michael Burns Waiver of Speedy Trial-w/c/m.</u>		
07/12/88	66 <u>Deft. Dan Michael Burns Mtn. for Cont. of Trial-w/c/m.</u>		
07/12/88	67 <u>Deft. John W. Burns Mtn. for Order to Require Discv.-w/c/m.</u>		
07/12/88	68 <u>Deft. John W. Burns Mtn. for Cont. of trial set for</u> <u>07/19/88 Deft. John Burns does not feel that Speedy</u> <u>Trial should be charged against them-w/c/m</u>		
07/12/88	69 <u>Deft. John W. Burns' Proposed Jury Instructions-w/c/m.</u>		
07/12/88	70 Subps. rtnd. 5 USA Serv. David Reiniche on 07/05/88 Serv. Martin Lair on 07/01/88 Serv. Robert Hill on 07/05/88 Serv. Robert Nagode on 07/05/88 Serv. Janae Frost on 07/07/88		
07/12/88	71 <u>Deft. Creed M. Evans Mtn. to Dismiss for GJ Misconduct</u> <u>w/c/s.</u>		
07/12/88	72 <u>Deft. Evans Memo In Support of Mtn. to Dismiss for GJ Misconduct</u> <u>w/c/s.</u>		
07/12/88	73 <u>Deft. Creed M. Evans Mtn. for Cont. of Trial set for</u> <u>07/19/88-w/c/s.</u>		
07/12/88	74 <u>Deft. Evans Memo. In Support of Mtn. for Cont. of Trial</u> <u>w/Aff. attached Waiving Speedy Trial-w/c/s.</u>		
07/12/88	75 Aff. of Michael W. Cotter cnsl. for deft. Creed M. Evans		
07/12/88	76 <u>Deft. Creed M. Evans Requested Jury Instructions</u>		
07/13/88	77 <u>USA's Response to John William Burns' Mtn. for Discv.</u> <u>w/c/m. Orig. to be substituted.</u>		

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
7/13/88	78 <u>Deft. John William Burns joins in Mtn. of deft. Creed M. Evans to dismiss the Indict. for GJ misconduct-w/c/m.</u>				
'/14/88	79 <u>INFORMATION FOR Deft. MARK JOHN KRAPF</u>				
'/14/88	80 <u>PLEA AGREE. for Deft. Mark John Krapf</u>				
7/14/88 **	-- Entered Record of Proceedings; PT Mtns. cont. from 07/11/88 [Lisa Lewis crt. rptr.] 9:00 a.m. W/Crt., AUSA/Brooks, Special ASUA/Nickell, all deft.'s & all ret. cnsl., Cotter, Zadick, Bauer & Randono present. At this time the Crt. looked @ completed Machine Gun. 9:06 a.m. Randono stated to crt. that his Clinet KRAPF had signed a plea agree & new Infor. had been filed. Brooks concurs w/stmt. No obj. from other cnsl. & Randono & KRAPF excused from this hring. C/P hring. to be set. 9:08 a.m., Zadicks' Mtn. to Sever his clinet from other defts. Brook's respond & all defts. cnsl. concur in Mtn. 9:10 a.m. Zadicks Mtn. in re to Discv. matters. Cotters stmt. in re to same. Brooks stmt. in rebutal. Crt. Grants Mtn. of deft. Zadick that dcts be furnished deft.'s w/all names shwoing, not blacked out. Zadick to furnish cr. w/proposed order. All Defense cnsl. submit Mtns. in re to further discv. maters, Brad Material Upons crt.s request, Brooks stmt. to Crt. in re to what constitutes his Conspiracy Charge in the Indct. Zadick, Cotter & Bauer's stmts. in re to same. Brooks stmt. in rebutal. John G. Krogman, William Haverstick, Lance Hart, Brian Downey, John William Burns & Dan Michael Burns were all duly S/T. Deft. EVANS Exhs. 5, 6, 7, 8, 9 & 10 were marked, off. & ad. wo/obj. Deft. D.M. BURNS Exhs. 1, 2 & 3 were marked, off. & ad. wo/obj. Deft. J.W. BURNS Exh. 1 was marked, offered & ad. wo/obj. Deft. J.W. BURNS Exh. 2 was marked off. & ad. with objs. 4:09 p.m. crt. cont. matter to 07/15/88 @ 9:30 a.m. & crt. in recess.				
7/15/88	-- Entered Record of Crt. Proceedings; Continuation of PT Mtns.; [Lisa Lewis crt. rptr.] 9:30 a.m. w/ all present PT Mtns. hring. resumed. Brook's argument to Crt. in re to Maranda, False Stmtts. of Aff., Consent to Search Argument by Nickell. Zadicks Argument to Crt. in re to Suppression of Stmt. made by J.W. Burns. Cotter's Argument to Crt. in re to False Stmtts. of Aff. & no Criminal Intent. Bauer's Arguemnt to Crt. in re to False Stmtts. of Aff. Maranda & Suppression of Stmt. made by D.M. Burns. Brook's Arugment in rebuttal of Defense cnsl.s arguments. Cotter's response. Nickell's response. Crt. Ordered TWJ set for 07/19/88 be VACATED. Crt. takes all mtns. under advisement. 10:15 a.m. Crt. in recess.				

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Yr. Docket N.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE	
		(a)	(b)
	{Document No.}		
07/15/88	81 USA's & all Deft.'s Witness List		
07/15/88	82 Exhibit List for all parties		
07/15/88	83 Notice of C/P Hring.--C/P Hring. set for 07/20/88 @ 9:30 a.m.-cpys. to AUSA/Brooks, AUSA/GF, Randono, USPO & USM.		
07/15/88	84 Certificate of Service-by Cotter of his Requested Jury Insts.		
** 07/15/88	-- All Exhibits from PT Mtns. Hring. in VAULT.		
07/14/88	85 Subps. rtnd. [Serv. 07/05/88 on Mary Riker-2 Subps. same Date of service] [serv. 07/05/88 on John Mott]		
07/14/88	86 Subps rtnd. on behalf of USA; [serv. 07/05/88 on Clifford Piequet] [serv. 07/01/88 on Richard Tummerman] [serv. 07/05/88 on Allan Carlson] [serv. 07/07/88 on Brian Busch] [serv. 07/07/88 on James Kelly Reed] [serv. 07/11/88 on Eugene S. Hawes] [serv. 07/11/88 on Richard Blaine] [serv. 07/07/88 on Dan Korn] [serv. 07/07/88 on David M. Delcia] [serv. 07/01/88 on Bruce Witherell] [serv. 07/01/88 on Mark T. Harlan] [serv. 07/07/88 on Robert Gee] [serv. 07/01/88 on Michael Migues] [serv. 07/01/88 on Dennis Russell] [serv. 07/06/88 on Norman Shofner] [serv. 07/05/88 on Steven R. Price] [serv. 07/01/88 on Ronald G. Barlow] [serv. 07/05/88 on Gene D. Riggs]		
7/18/88	87 ORDER: Based on deft John Burns' mtn, pltf to provide defts w/complete cpys of documents previously produced & to be produced from files of Bureau of Alcohol, Tobacco & Firearms. Cpus to cnsl/5, AUSA/GF		
07/20/88	-- Entered Record of Crt. Proceedings; Change of Plea for <u>Deft. Mark John Krapf</u> ; [Lisa Lewis Crt. Rptr.] W/Crt. AUSA/Rostad, deft. & his ret. cnsl. Randono & USPO/ McElhenney present. Randono's Stmt. to crt. in re to Plea Agree. Plea Agree, is unconditional, deft. will testify @ trial of co-defts., USA will recommend no incarceration & remain silent @ Setn. Crt. advised deft of all rights undr the law. Deft. entered plea of GUILTY to Superseding Infor. Deft.'s stmt. in re to facts of incident. USA's Stmt. of Proof. Crt. accepts plea as being freely & voluntarily made. Crt. Ordered Sentencing set for 08/29/88 @ 11:00 a.m. & Ordered PSR be submitted by USPO prior to Sent. date.		
07/20/88	88 Notice of Sentencing; Sent. for <u>Deft. Mark John Krapf</u> set for 08/29/88 @ 11:00 a.m.-cpys. to AUSA/Brooks, AUSA/GF, Randono, USPO & USM.		
07/21/88	89 Transcript of Change of Plea Proceedings on 07/20/88 for <u>Deft. MARK JOHN KRAPF</u>		
07-24-88	90 Twelve (12) Subpoenas rtnd w/svc for hearing on 7/19/88 for USA: (1) Keith Garretty svd 7/11/88; (2) Russell Henningsgaard 7/11/88		

FINAL DOCKET

AO 256A

#1 Creed Evans

#2 John Burns

#3 Dan Burns

#4 Mark Krapf

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
7-24-88	Twelve (12) Subpoenas rtnd cont. (3) Terry Brockman svd 7/12/88; (4) Gordon Lee Col svc 7/11/88; (5) Burke May svc 7/8/88; (6) Robert Snell svd 7/11/88; (7) Gary Roper svd 7/7/88; (8) Carol McGreal svc 7/11/88; (9) Eugene L. Sherman svc 7/12/88; (10) Dennis Peterson svc 7/11/88; (11) Wm Henderson svd 7/6/88; (12) Stephen Sombart svd 7/13/88				
7-24-88 8/4/88	91 Pltf's Response to Mtn to Dismiss of John Wm Burns w/c/s/m -TO PGH 92 Orig Subpoenas w/rtn on following: Neil Tillett svd 7/15/88 Noel Philip Larson svd 7/19/88				
8/26/88	93 Order Cont. Sentencing; Deft. <u>KRAPF</u> Sent. set for 08/29/88 @ 9:30 a.m. be cont. to 1:30 pm on same date-w/c/c/m to AUSA/Brooks, AUSA/GF, RAndono, Cotter, Higgins, Bauer, USPO & USM.				
9/29/88	94 Deft. Krapf;s Sentencing Letters				
9/29/88	-- Entered record of crt. proceedings; SENTENCING [Deft. Mark John Krapf] [Lisa Lewis crt. rptr.] W/crt. AUSA/Darragh, deft. & his ret. cnsl. R. Randono & USPO's Pattee & Waters present. All parties have cpy. of PSR no corrections. Randono's stmt. to crt. in re to sent. recommends unsupervised prob. period less than 1 yr. Darraghs stmt. to crt. in re to sent., recommends no jail time, any prob. to crt's discretion. Crt. ordered that deft. be fined in the sum of \$200.00 & to pay CVF \$50.00.				
9/29/88	-- Confidential Presentence Report [left side of file]				
9/29/88	-- Receipt #16169 in the amt. of \$200.00 Can 400 for Deft. Krapf fine.				
8/31/88 KRAPF	95 FILED & ENTERED IN CRIMINAL DOCKET VOLUME 9, PAGE 48/JUDGMENT & ORDER: Deft convicted on plea of guilty of offense charged in info. Crt notes sent is not imposed under Sent Reform Act, but under prior law. ORDERED & ADJUDGED that deft KRAPF pay US fine in amt of \$200 immed. \$50 CVF pursuant to 3013. 5 cert cpy's to USM/GF, 2 cpy's to USPO, cpy's to cnsl/2, AUSA/GF				
9/02/88	96 <u>Transcript</u> of Sentencing Proceedings on 08/29/88 on <u>Deft.</u> <u>KRAPF</u>				
10/14/88	97 SATISFACTION OF JUDGMENT-case pd or otherwise settled, Clk is authorized to satisfy judgment. Cpy's to cnsl/2, USM, USPO[Krapf]				
12/14/88	98 PLEA AGREEMENT [Dan Burns]				
12/14/88	99 Deft Dan Burns' Motion for hrg to change plea				
12/14/88	-- LODGED proposed order re mtn to change plea -TO PGH				
12/15/88	100 ORDER: Change of Flea set for 12/20/88 at 2:00PM. Cpy's to cnsl/2, AUSA/GF, USM, USPO, Crt Reporter [DAN BURNS]				
12/20/88	-- ENT REC OF CRT PROCEEDINGS/Change of Plea for <u>DAN BURNS</u> : Crt, AUSA/Darragh, deft ret cnsl/Bauer, deft & USPO/Pattee present. Deft cnsl agrees that uspers info can be filed. Crt reviews plea agmt: Deft will plead guilty to Cnts 1 & 2 of supers info & AUSA will make recomm. Crt advises re possible penalty & rights to trial & appeal. Deft pleads nolo to Cnts 1 & 2 of supers info; AUSA states obj; crt overrules obj. Deft agrees to be sent at this time. Crt's				

Interval
(per Section III)Start Date
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DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE	
		(a)	(b)
12/20/88	-- Crt proceedings cont: judg: Deft fined \$100 ea cnt [\$200] & \$25. CVF on ea cnt [\$50]. Crt orders post sent report		
12/20/88	-- Receipt #16421-\$50 CVF & \$200 fine pd in cash [\$250 total]		
12/20/88	101 SUPERSEDING INFORMATION FOR DAN BURNS		
12/27/88	102 Judgment & Order-Filed & Entered In Criminal Docket Volume 9 Page 70 Deft. <u>Dan Michael Burns</u> ; Deft. pay \$250.00 consisting of: Ct. I, fine of \$100.00 & special assessment of \$25.00 CVF. Ct. II fine of \$100.00 & special assesment of \$25.00 CVF. Sum to be paid immediately-w/c/c/m to AUSA/Brooks-2 cert. cpys., AUSA GF, Bauer, USPO-2 cpys. & USM/5 cert. cpys.		
12/28/88	103 Transcript of Change of Plea & Sentencing Proceedings on 12/20/88		
12/28/88	104 Satisfaction of Monetary Judgment-w/c/m. <u>Dan Burns</u>		
01/04/89	105 Order Granting excludable delay from 07/20/88 to 12/20/88 for a total of 152 days. <u>Dan Burns</u>		
03/06/89	--- Post Presentence Report Deft. <u>DAN MICHAEL BURNS</u> [left side of file.]		
05/16/89	106 MEMORANDUM & ORDER--Mtns. to Dismiss of deft.'s Evans & J.W. Burns are DENIED. TWJ set for 06/06/89 @ 9:30 a.m. Charge to jury by 05/30/89-w/c/c/m to AUSA/Brooks, Cotter, Zadick, Bauer Randono, USPO.		
05/18/89	--- Lodged Proposed Stip. for Subt. of Cnsl.-William L. Burns of law firm Peterson, Peterson, Burns & Shors be subst. as cnsl. of record for deft.'s John William Burns & Dan Michael Burns in place of Ugrin, Alexander, Zadick & Slovak w/proposed order-to PGH		
05/19/89	107 Stipulation for Substitution of Cnsl. & Order--law firm of Peterson, Person, Burns & Shors be subst. as cnsl. for deft.'s John William Burns & Dan Michael Burns in place of law firm Urgin, Alexander, Zadick & Slovak w/c/c/m to AUSA/Brooks, M. Cotter, Zadick, Wm. Burns.		
05/22/89	108 Order Granting Excludable delay from 05/28/88 to 04/16/89 for a total of 351 days. <u>Deft. Creed Miles Evans</u>		
05/22/89	109 Order Granting Excludable delay from 06/03/88 to 04/16/89 for a total of 348 days. <u>Deft. John William Burns</u>		
5/23/89	-- Issued 18 subpoenas-handed origs & 2 cpys ea to AUSA/BU		
5/23/89	-- Issued subpoena for Michael Miguez-C/C Butte handed orig to AUSA/BU		
05/26/89	110 MEMORANDUM & ORDER--Mtn.s to Suppress of both deft.'s Evans & John Wm. Burns are DENIED in their entirety w/c/c/m to AUSA/Brooks, Cotter, Burns, USPO, Bauer & Randono.		
05/26/89	111 Deft. Creed Evans' Mtn. to Reconsider the Court's Memo. & Order of 05/16/89-w/c/m.		
05/26/89	112 Memo. In Support Deft. Creed Evans' Mtn. to Reconsider the Crt.'s Memo. & Order of 05/16/89-w/c/m.		
05/30/89	113 Gvnt.'s Mtn. to Dismiss Ct.'s 17, 18,21, & 26 through 34 reasons 1/ cts. are cumulative & some refer to indiv. who have already plead. 2/ delays w/getting to trial sufficient evidence no longer exists to sustain burden 3/ trial to take considerable time & by dismissing cts. approximately 20 witnesses can be dismissed-wcm.		
05/30/89	--- Lodged Proposed Order in re to #113 to PGH		

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
5/30/89	114 Gvnt.'s Mtn. for Ext. of Time for add. 1 day to file charge to jury-w/c/m.				
5/30/89	---				
5/31/89	115 Lodged Proposed Order in re to #114 to PGH ORDER--Ct.'s 17, 18, 21 & 26 through 34 of Indict are dismissed-w/c/c/m to AUSA/Brooks, Cotter, Burns, USPO				
5/31/89	116 ORDER--Pltf. has to & including 05/31/89 to prepare & file their charge to jury--w/c/c/m to AUSA/Brooks, Cotter, Burns				
5/31/89	117 Deft. Evans Mtn. to Vacate The Trial; for reason that mtns. are pending. Evns' request for Bill of Particulars filed 06/22/88 to which the gvnt. has not responded. For medical reasons of deft.'s cnsl. W/Aff. of Cotter attached-deft. will waive speedy trial & gvnt. has no obj.-w/c/m				
5/31/89	118 Pltf/USA'S Jury Narrative w/c/s [cpy for crt]				
5/31/89	119 Deft Creed Evans' requested jury instructions [cpy for crt]				
6/1/89	120 Deft John Burns' Motion to Dismiss w/c/m				
6/1/89	121 Deft Creed Evans' Motion in Limine re ref to type of firearm w/c/s				
6/1/89	122 Deft Creed Evans' Memo in sppt of mtn in limine w/c/s				
6/1/89	-- Recd ltr from Cotter re deft Creed Evans' mtn for disc filed 5/27/88 [orig to PGH]				
6/1/89	123 Pltf/USA'S Obj to granting mtn to vacate trial w/c/s				
6/1/89	124 Pltf/USA'S opposition to mtn to dismiss of John Burns w/c/s				
6/1/89	-- C/C Butte issued subpoena for John Meister-handed orig to AUSA/BU				
6/2/89	125 Deft Creed Evans' Response to gov't obj to mtn to vacate trial w/c/m				
6/2/89	126 Deft John Burns' Memo in sppt of mtn to dismiss for lack of ST w/c/m				
6/5/89	-- Issued 22 subpoenas in blank-handed origs to deft cnsl				
6/6/89	127 MEMO & ORDER: Deft John Burns' mtn to dismiss is DENIED. Cyps to cnsl/2, AUSA/GF, USM, USPO				
6/6/89	-- ENT REC OF CRT PROCEEDINGS/Change of Plea & Sentencing: Crt, AUSA/Brooks, deft ret cnsl/William Burns & deft present. AUSA advises re plea agmt: AUSA will file supers info, deft will plead nolo & AUSA will dismiss orig indict. Crt advises deft re rights to trial & appeal. Deft pleads nolo to supers info. AUSA'S mtn to dismiss indict; crt grants. Deft waives PSR. AUSA makes obj to nolo plea; crt overrules. Crt accepts nolo plea. Crt's judg: deft fined \$100 on ea cnt [\$200.] & forfeiture of parts. Crt executes order to dismiss Cnts 2-10 & 37 [John Burns]				
6/6/89	-- Receipt #17343 for \$200. cash for pmt of fine [John Burns]				
6/6/89	128 PLEA AGREEMENT [John Burns]				
6/6/89	129 SUPERSEDING INFORMATION [John Burns]				
6/6/89	130 Pltf/USA'S Motion to Dismiss Cnts 2-10 & 37 of indict against John Burns				
6/6/89	131 ORDER> Cnts 2-10 & 37 of indict against John Burns are DISMISSED. Cyps to cnsl/2, AUSA/GF, USM, USPO				
06/06/89	---				
Lisa Lewis crt. rptr.	Entered Record of Crt. Proceedings; <u>Trial With Jury Day (1)</u> ; 9:20 a.m. W/Crt., AUSA/Brooks, Larry Nickells, deft. EVANS w/ret. cnsl. Cotter in chambers. Crt. advised cnsl. that all outstanding mtns. are denied. Crt. GRANTED deft.'s				

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Docket No.

DATE (Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE D		
		(a)	(b)	(c)
	<u>Day (1) of TWJ cont.</u>			
	Mtn. In Limine that machine gun not be referred to by any other name.			
9:40 a.m. W/Crt., AUSA/Brooks, ATF cnsl. Nickell, Agent Watchatel, deft. EVANS w/ret. cnsl. Cotter & (51) prospective jurors present, trial commenced. Crt. questioned jurors as to their qualifications to serve as jurors, Oath #1 Margaret Delger excs. by crt. Cnsl. introduces themselves & clients & agensts. Katherine Sabo, Thomas Majerus, Sarah Duncan, Richard Jallings, David Jensen, Gary Blakemore, Thomas Kohut, Russell Verplogen & Lon Peterson excused for cause. (34) prospective jurors called. Crt.'s voir dire. Donald Larson excs. & Allen F. Woodwick drawn as prospective juror.				
10:21 a.m. Gvnt.'s voir dire. Brooks passes jurors for cause.				
10:24 a.m. deft.'s voir dire. Betty Westbur excs. for cause & Lloyd Olson drawn as prospective juror. Deft. passes jurors for cause.				
10:45 a.m. Peremptory Challgnees				
<u>Gvnt.'s Challenges</u>				
1/ Allan Woodwick				
2/ Rita Johnson				
3/ Lloyd Olson				
4/ Pass				
5/ Pass				
6/ Pass				
Alternate: Janet Mansikka				
<u>Defendant's Challenges</u>				
1/ Carol Bain				
2/ Betty Barnhart				
3/ Pass				
4/ Pass				
5/ Pass				
6/ Pass				
7/ Pass				
8/ Pass				
9/ Pass				
10/ Pass				
Alternate: Bonnie Hayes				
<u>JURORS CHOSEN</u>				
1/ Deanna Baker	7/ Kenneth Brandvold			
2/ Silas Carter	8/ Patricia McQuire			
3/ Richard Oksa	9/ Yoshiko McManus			
5/ Lloyd Wollery	10/ Geraldine Briere			
6/ Hazel Emerson	11/ Charlotte Hanson			
Alt. #1: Scott Fossum	12/ Laurie Brown			
Alt. #2: Charles Turner				
11:00 a.m. Crt. thanked & excused jurors not chosen				
11:03 a.m. Crt. read preliminary insts. to jurors.				
1:09 a.m. crt. recess subject to call				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
06/06/89 06/07/89 Lisa Lewis crt. rptr.	<p>11:25 a.m. w/all present, trial resumed @ which time Brooks gave gvnt.'s Opening Stmt. to jurors.</p> <p>11:38 a.m. Cotter gave deft.'s Opening Stmt. to jurors.</p> <p>12:02 p.m. Crt. admonished & excs. jurors until 1:30 p.m.</p> <p>1:28 p.m. trial resumed.</p> <p>1:30 p.m. John William Burns S/T gvnt.'s behalf. Pltf.'s Exh.'s 1, 2, 5, 3, 6, 7, 9 admitted into evidence</p> <p>2:47 p.m. crt. in recess. Cross- exam of Burns will be done on 06/07/89.</p> <p>3:11 p.m. trial resumed at which time Shawn Bryant, S/T gvnt.'s behalf. Pltf.'s exh.'s 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 & 32 were admitted into evidence.</p> <p>4:01 p.m. cross-exam of Bryant by Cotter</p> <p>4:06 p.m. Witness Bryant excs.</p> <p>4:07 p.m. Rex Seeley S/T in gvnt.'s behalf.</p> <p>4:38 p.m. cross-exam of Seeley by Cotter.</p> <p>5:07 p.m. Crt. admonished & excs. jurors until 06/07/89 @ 9:00 a.m.</p> <p>132 Jury List W/Challenges</p> <p>--- Entered Record of Crt. Proceedings; <u>Trial With Jury Day (2);</u></p> <p>9:00 a.m. W/Crt., cnsl., deft. & all jurors present trial resumed. Susan Reed, S/T gvnt.'s behalf. Pltf.'s Exh. 34, 35, 37, 39, 40,</p> <p>9:24 a.m. cross-exam of Reed by Cotter.</p> <p>9:26 a.m. Witness Reed excs.</p> <p>9:28 a.m. Rex Seeley recalled still under oath to cont. testimony on cross-exam. Deft.'s Exh. OO, PP, QQ were admitted into evidence</p> <p>10:03 a.m. re-direct exam of Seeley by Brooks.</p> <p>10:18 a.m. re-cross exam of Seeley. Witness Seeley excused.</p> <p>10:25 a.m. crt. in recess subject to call.</p> <p>10:48 a.m. Trial resumed at which time John William Burns was recalled still under oath to give testimony on cross exam by Cotter. Deft.'s exh.'s K, L, MM, NN, RR, SS, TT, were admitted into evidence.</p> <p>11:35 a.m. re-direct exam of J.W. Burns by Brooks</p> <p>11:53 a.m. re-cross exam of Burns by Cotter. Witness J.W. Burns excused.</p> <p>11:57 a.m. crt. admonished & excs. jurors until 1:30 p.m.</p> <p>1:29 p.m. w/all present trial resumed.</p> <p>1:31 p.m. Terry L. Cates duly S/T in Gvnt.'s behalf. Pltf.'s ec=xh. 33 was admitted.</p> <p>1:43 p.m. cross-exam of Cates by Cotter Deft. exh. T, V, UU,VV, were admitted into evidence.</p> <p>2:38 p.m. re-direct exam of Cates by Brooks. Witness Cates excs. subject to recall.</p> <p>2:41 p.m. crt. in recess subject to call</p> <p>3:06 p.m. wo/jurors crt. & cnsl. discuss witnesses who will be granted immunity.</p>				

Interval
(per Section II)Start Date
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Docket No.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE D		
		(a)	(b)	(c)
	(Document No.)			
06/08/89	<p><u>Day (2) of Trial With Jury Cont.:</u></p> <p>3:08 p.m. w/jurors now present trial resumed at which time Wayne Moran duly S/T Gvnt.'s behalf. Pltf.'s Exh.'s 43, 44, were admitted. Deft.'s exh. WW was admitted</p> <p>3:56 p.m. re-direct eam of Moran by Nickell</p> <p>3:58 p.m. re-cross of Moran by Cotter. Witness Moran excs.</p> <p>4:00 p.m. William A. Henderson duly S/T in gvnt.'s behalf. Pltf.'s exh. 47, admitted.</p> <p>4:27 p.m. crt. in recess subject to call.</p> <p>4:36 p.m. w/all present trial resumed, Henderson cont. w/testimony on direct exam. Pltf.'s exh. 48, 50, 51, 52, 53, 54 were admitted.</p> <p>5:08 p.m. crt. admonished & excs. jurors until 06/08/89 at 9:00 a.m.</p> <p>--- Entered Record of Crt. Proceedings; <u>Day (3) of Trial w/Jury;</u> [Lisa Lewis crt. rptr.]</p> <p>9:02 a.m. W/Crt., Cnsl., deft. & 14 jurors present, trial resumed at which time Wm. A. Henderson cont. w/testimony on direct exam still under oath. Pltf.'s Exh. 46, 46A, 46B, 46C, 46D, 46E, were admitted.</p> <p>9:12 a.m. cross-exam of Henderson by Cotter. Deft.'s exh.'s XX, XXA, YY were admitted.</p> <p>10:18 a.m. re-direct exam of Henderson by Brooks.</p> <p>10:40 a.m. re-cross exam of Henderson by Cotter. Deft.'s exh. ZZ was admitted.</p> <p>10:48 a.m. crt. in recess subject to call.</p> <p>11:02 a.m. w/all present trial resumed at which time crt. admonished & excused jurors until 1:30 p.m.</p> <p>11:34 a.m. in chambers w/crt., cnsl. & deft. present. Brooks states terms of Agree. Deft. will plead Nolo Contendre to (1) Ct. Flase Stmt., dropp all litigation, have right to appeal orders of this crt. USA recommend minimal fine & no incarceration, deft. waives PSR. Deft. to dispose of all firearms w/i 75 days & return w/i (75) days F.F.L.'s to ATF. Deft. & all cnsl. agree this is agreement. Acts are before sent. guidelines. Crt. agrees to accept plea on terms of --Crt. wants 1 yr. prob. & 100 hrs. of community service & \$200.00 fine. Cnsl. & deft. agree.</p> <p>11:54 p.m. crt. in recess until 1:30 p.m.</p> <p>1:23 p.m. w/all present trial resumed at which time crt. advised the jury that cnsl. & deft. had reached a plea agree. Crt. thanked & excused jurors.</p> <p>Deft.'s Mtn. to reconsider crt.'s prior rulings was DENIED. Plea Agree. filed w/crt. Proposed Infor. submitted. Crt. advised deft. of all rights under the law & max. possible penaltys. Deft. will enter plea of Nolo Contendre to Infor. Crt. request cnsl. file Waiver. Crt. read Infor. to deft. Infor. to be filed. Deft. entered plea of Nolo Contendre, USA opposes nolo</p>			

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	<u>Day (3) of Trial With Jury Cont;</u>				
	contendra plea & Crt. accepts. Brooks stmt. of proof. Deft. waives PSR & crt. ordered Postsentence report be submitted. Crt. ordered that deft. be fined in the amt. of \$200.00, placed on 1 yr. prob. & to perform 100 hrs. of community service work to be arranged w/USPO. Deft. to dispose of all firearms in his possession w/i (75) days & return all Federal F.F.L.'s to BATF w/i (75) days. Crime before Sentencing Guidelines. Gvnt.'s Mtn. that all Ct.'s of Indict be dismissed was Granted by crt. 1:42 p.m. crt. in recess.				
06/08/89	133 Witness List				
06/08/89	-134 Gvnt.'s Exhibit List				
06/08/89	-135 Deft.'s Exh. List				
06/08/89	136 PLEA AGREEMENT Deft. EVANS				
06/08/89	137 INFORMATION Deft. EVANS				
06/08/89	138 Waiver of Indict.-deft. EVANS				
06/08/89	139 Gvnt.'s Mtn. to Dismiss Indict. pursuant to plea agree				
06/08/89	140 Gvnt.'s Mtn. to grant immunity to WILLIAM A. HENDERSON w/c/s in person				
06/08/89	141 ORDER--Immunity be granted to w/c/c/m to cnsl.-3.				
06/08/89	142 Gvnt.'s Mtn. to grant immunity to w/c/s in person.				
06/08/89	143 ORDER--Immunity granted to w/c/c/m to cnsl.-3.				
06/08/89	144 Gvnt.'s Mtn. to grant immunity to William I. Gann, Jr. w/c/s in person.				
06/08/89	145 ORDERImmunity granted to William I. Gann, Jr. w/c/c/m to cnsl.3.				
06/08/89	146 Gvnt.'s Mtn. to grant immunity to Eugene L. Sherman w/c/s in person.				
06/08/89	147 ORDERImmunity granted to Eugen L. Sherman w/c/c/m to cnsl.3.				
06/08/89	148 Gvnt.'s Mtn. to grant immunity to Noel Philip Larson w/c/s in person.				
06/08/89	149 ORDERImmunity granted to Noel Philip Larson w/c/c/m to cnsl.3.				
06/08/89	150 Gvnt.'s Mtn. to grant immunity to James Kelly Reed w/c/s in person.				
06/08/89	151 ORDERImmunity granted to James Kelly Reed w/c/c/m to cnsl.3.				
06/08/89	152 Gvnt.'s Mtn. to grant immunity to Gene D. Riggs w/c/s in person.				
06/08/89	153 ORDER--Immunity granted to Gene D. Riggs w/c/c/m to cnsl.-3.				
06/08/89	154 Gvnt.'s Mtn. to grant immunity to Richard P. Timmerman w/c/s in person.				
06/08/89	155 ORDER--Immunity granted to Richard P. Timmerman w/c/c/m to cnsl.-3.				

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Yr. Docket No.

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE D		
		(a)	(b)	(c)
06/08/89	156 Gvnt.'s Mtn. to grant immunity to Leslie Clarnce Arneson w/c/s. in person			
06/08/89	157 ORDER--Immunity granted to Leslie Clarnce Arneson w/c/c/m to cnsl.-3.			
06/08/89	158 Gvnt.'s Mtn. to grant immunity to robert herman redland w/c/s in person.			
06/08/89	159 ORDER--Immunity granted to Robert Herman Redland w/c/c/m to cnsl.-3.			
06/08/89	160 Gvnt.'s Mtn. to grant immunity to Ronald G. Barlow w/c/s in person.			
06/08/89	161 ORDER--Immunity granted to Ronald G. Barlow w/c/c/m to cnsl.-3.			
06/08/89	162 Gvnt.'s Mtn. to grant immunity to Russell Dean Henningsgaard w/c/s in person.			
06/08/89	163 ORDER--Immunity granted to Russell Dean Henningsgaard w/c/c/m to cnsl.-3.			
06/08/89	164 Gvnt.'s Mtn. to grant immunity to Allan A. Carlson w/c/s in person.			
06/08/89	165 ORDER--Immunity granted to Allan A. Carlson w/c/c/m to cnsl.-3.			
06/09/89	--- All exhibits from trial with jury & PT mtns hring are in VAULT.			
06/06/89	--- Received \$200.00 from J.W. BURNS receipt #17343 as pay. for fine.			
06/09/89	--- Received \$200.00 from Creed Miles Evans receipt 17345 as pay. for fine.			
06/12/89	166 Subp. rtnd. [serv. 06/02/89 onRichard Lewis Blaine]			
06/12/89	167 ORDER DISMISSING COUNTS--Indict. filed against Creed Miles Evans DISMISSED pursuant to Plea Agree-w/c/c/m to AUSA/Brooks, Cotter, USPO.			
06/12/89	168 Transcript of Change of Plea & Sentencing Proceedings on 06/08/89 for deft. #1 CREED MILES EVANS-cpy. to USPO			
06/12/89	169 Transcript of Change of Plea & Sentencing Proceedings on 06/06/89 for Deft. #2 JOHN W. BURNS-cpy. to USPO			
06/13/89	170 Judgment & Order--FILED & ENTERED IN CRIMINAL DOCKET VOLUME 10 PAGE 43; <u>DEFT. JOHN WILLIAM BURNS:</u> Sent. not imposed pursuant to Sent. Reform Act of 1984, Deft. J.W. Burns shall pay to US the sum of \$200.00 consisting of following; on Ct. I fine of \$100.00 & on Ct. II a fine of \$100.00. Sum of \$200.00 be paid immediately. Further Ordered that J.W. Burns forfeit to US all gun parts involved in charges against deft.-w/c/c/m to AUSA/Brooks, cpy. plus cert. cpy., Cotter, Burns, Bauer, Randono, Nickell USPO/ 2 cpys. & USM/5 cert. cpys.			
06/13/89	171 Judgment & Order--FILED & ENTERED IN CRIMINAL DOCKET VOLUME 10 Page 44; <u>Deft. Creed Miles Evans:</u> Deft. Evans placed on 1 yr. supervised prob. Comply w/standard conditions of USPO & comply w/add. conditions; 1/ Deft. surrender all ATF Firearms licenses of any type to US atty's Butte, MT w/i 75 days. 2/ deft. permanently dispose of all firearms he owns or possess w/i 75 days			

UNITED STATES DISTRICT COURT

#1 Cred Miles Evans

CRIMINAL DOCKET

AO 266A

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
	# 171 Continued;				
	3/ Deft. perform 100 hrs. of community service as directed by USPO. Further Ordered that Evans pay tp US a fine of in the amt. of \$200.00 payable immediately-w/c/c/m to AUSA/Brooks, Nickell, Cotter, Bauer, Randono, W. L. Burns, USPO/2 cpys. & USM/5 cert. cpys.				
06/19/89	--- Lodged Notice of Appeal Deft. Creed Miles Evans [fee paid receipt #17356]				
6/28/89	-- CONFIDENTIAL POST SENTENCE REPORT [JOHN WILLIAM BURNS]				
6/30/89	172 MEMO & ORDER: Deft's mtn for discovery dated 5/27/88 is in all respects DENIED. Cpus to cns1/2				
6/30/89	173 NOTICE OF APPEAL FROM CREED EVANS [fee pd on 6/19/89/recpt #17356] Appeals the following: 1/memo & order re deft's mtn to dismiss 5/16/89 2-memo & order denying deft's mtn to suppress 5/26/89 3-memo & order denying deft's mtn to compel exculpatory material [denied in chambers 6/6/89; order 6/30/89] <u>To USCA</u> by cert mail #062658020: Cert cpy Notice of Appeal Cert cpy of memo & orders filed 5/16/89, 5/26/89 & 6/30/89 [#106, 110, 172] Cert cpy of judgment filed 6/13/89 [#171] Orig Docket Fee Payment Form Cpy of Order for Time Schedule Cert cpy of docket Case Information <u>To Robert Brooks & Michael Cotter:</u> Cpy Notice of Appeal Cpy memo & orders #106,110,172 Cpy judgement #171 Cpy Order for Time Schedule Cpy Docket Fee Payment Form Cpy Docket Transcript Designation Form to Cotter w/cover letter <u>To Sherry:</u> Cpy Notice of Appeal Cpy memo & orders #106,110,172 Cpy judgment #171 Cpy docket 5X8 card <u>To Court Reporter:</u> Cpy Notice of Appeal Cpy Order for Time Schedule				
6/30/89	174 Deft Creed Evans' Stmt of Issues w/c/m				
6/30/89	175 Deft Creed Evans' Transcript Designation Form requesting transcripts of hrgs on 7/11/88, 7/14/88, 7/15/88, 6/6/89, 6/7/89 & 6/8/89				
6/30/89	176 ORDER FOR TIME SCHEDULE: Transcript ordered by 7/21/89 Transcript filed by 8/21/89 Appellant's opening brief due 10/2/89 Appellee's brief due 11/6/89 Appellant's optional brief due 11/21/89				
Creed Evans		Interval (per Section III)	Start Date	End Date	Total Code Days

AO 256A (8)

Yr.	Docket No.	Def.
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DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
7/10/89	-- Cpy of docket fee pmt form from USCA showing USCA #89-30188 [Creed Evans]				
07/28/89	177 Satisfaction of Monetray Judg. <u>Creed Miles Evans</u>				
07/28/89	178 Satisfaction of Monetary Judg. John William Burns				
8/21/89	179 TRANSCRIPT OF PRETRIAL MOTIONS PROCEEDINGS ON 7/11/88 [VOLUME I]				
8/21/89	180 TRANSCRIPT OF PRETRIAL MOTIONS PROCEEDINGS ON 7/14/88 [VOLUME II]				
8/21/89	181 TRANSCRIPT OF PRETRIAL MOTIONS PROCEEDINGS ON 7/15/88 [VOLUME III]				
8/21/89	182 TRANSCRIPT OF TRIAL PROCEEDINGS ON 6/6/89 [VOLUME IV]				
8/21/89	183 TRANSCRIPT OF TRIAL PROCEEDINGS ON 6/7/89 [VOLUME V]				
8/21/89	184 TRANSCRIPT OF TRIAL PROCEEDINGS ON 6/8/89 [VOLUME VI]				
8/21/89	-- CERTIFICATE OF RECORD TO USCA/CREED EVANS [Transcripts designated for 7/11/88, 7/14/88, 7/15/88, 6/6/89, 6/7/89, 6/8/89 are on file/doc #179-184] Cyps to cnsl/2				
8/22/89	185 Cpy of Letter from Cotter stating deft Creed Evans has complied w/crt's order of 6/13/89 [attachments]				
03/22/90	--- Record on Appeal; Attention Fred Taylor, USCA cert. mail P 545 954 241				
4/10/90	186 Receipt of Exhibit-Michael Cotter/cnsl for Creed Evans acknow recpt of Exh No 8 to be used for purposes of argument before 9th Circuit on 4/12/90				
4/16/90	-- Mike Cotter rtn Exh #8 [in vault]				
8/22/91	-- Recd Record on Appeal documents re Creed Evans from USCA				
09/30/91	-- Certified cpy. of Decree of Crt. left side of file				
09/30/91	187 Opinion from USCA Affirming US District Court Decision				
09/30/91	188 Judgt. from USCA; Judgt. of Dist. Crt. is AFFIRMED Filed Entered Volume 10, Page 44 (<u>Creed Evans</u>)				
09/30/91	189 Order from USCA; Appellant's Pet. for rehearing id				
10/3/91	190 USA'S Mtn to Release Evidence to ATF wcs DENIED.				
10/3/91	--- LODGED prop order re mtn #190 [waiting for deft resp]				
10/7/91	191 Deft Dan Burns' Obj to USA'S Mtn to Release Evidence wcs [per Mark Bauer-a stip will be filed so that every deft can have their own exhibits]				
10/11/91	-- Call to Bauer re stip -not ready yet				
10/11/91	192 STIPULATION for Release of Evidence [signed by Bauer, Cotter, Randono, Brooks & Burns] -TO PGH				
10/15/91	-- Called Brooks for prop order re stip #192				
10/15/91	-- LODGED prop order that all evidence be rel to parties submitting evidence to crt-TO PGH				
10/16/91	193 ORDER: all evidence now being held by C/C be released to parties submitting that evidence to the Crt. Cyps to Brooks, Cotter, Bauer, USM, USPO, W.Burns				
10/16/91	-- RETURNED Deft John W. Burns' Exh #1 & 2 that were adm at PT Mtns hrg to William Burns, Cut Bank w/recpt of exhibits form to be rtn to C/C				
10/21/91	194 Receipt of Exhibits from Mark Bauer				
10/22/91	195 Receipt of Exhibits from Bureau ATF				
11/14/91	196 Receipt of Exhibits by Tara Estes on 11/14/91				
3/23/99	ARCHIVE CASE Accession # 021-99-0050, box 1 of 12				
02/25/03	197 Location 720373 MOTION of dft CREED MILES EVANS to vacate, re-enter Judgment of Conviction and Brief in support of mtn				

Interval
(per Section 11)Start Date
End DateLtr. Total
Code Days

AO 258A

DATE (Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
03/03/03	100 RESPONSE of USA (AUSA Rostad) to dft Creed mtn to re-enter Jdgmnt "dummy file" to SEH for review				
03/28/03	199 DEFT's REBUTTAL to pltf reply brf - to SEH				
09/05/03	200 ORDER of SEH; dfts mtn to vacate and re-enter jgmnt of conviction is DENIED.				
2-26-11	201 Petition for Writ of Error Coram Nobis with Exh A				
6-27-11	202 Motion to Remove or Purge Such Encumbrance w/Exh A				
8-10-11	203 AUSA Response to Motion				
9-6-11	204 Defendant's Reply				
1-8-13	205 Order as sub of counsel				
1-15-13	206 Notice of sub of counsel				
1-15-13	207 Motion for leave to File Affidavit Under Seal - Proposed Order - Lodged Affidavit				
2-8-13	208 Order - motion (206) denied. (mailed to Creed Evans at P.O. Box GF)				
2-13-13	209 Affidavit				
3-13-13	210 Order - Setting Hrg on Motion - April 1, 2013 at 4:00pm				